

60246-264; 10807/10,785

REMARKS

Applicant has now amended this application in response to the office action. Applicant has entered the limitations found in claims 4, 12 and 17 into the prior independent claims 1, 9 and 14, respectively. The examiner has indicated that these are all now patentable.

In addition, claim 5 is represented in independent form. The examiner rejects this claim over the combination of Sakakibara, et al. taken with Steward. This rejection is contested. Essentially, it is the examiner's opinion that Steward discloses shutting off a heat pump based upon a detected temperature, and that Steward would support moving the sensor of the Sakakibara, et al. patent from its location on a tank to a tank outlet.

First, Steward does not disclose any shutdown which could arguably be incorporated into Sakakibara, et al. Moreover, the rejection is improper as argued in applicant's prior Appeal Brief. What is important to Sakakibara, et al. is the temperature within the tank. At many times there may be no outlet flow from the tank, and in addition there may be temperature gradients within the tank. Thus, Sakakibara, et al., and in particular based upon its detailed disclosure, would not be receptive to the proposed modification based upon Steward to move the location of a sensor. In addition, the use of a temperature sensor in this distinct location would require additional temperature sensors.

There is no suggestion to combine these references outside of applicant's disclosure.

In sum, claims 1, 9 and 14 are all now patentable. Independent claim 5 is also patentable based upon the above.

Should the examiner believe that a discussion of this file would further the prosecution towards allowance, he is urged to telephone applicant's representative.

Fees for one additional independent claim may be charged to Deposit Account No. 03-0835 in the name of Carrier Corporation. Applicant believes that no additional fees are necessary.

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however, the Commissioner is authorized to charge the same Deposit Account for any additional fees or credit the account for any overpayment.

Respectfully submitted,

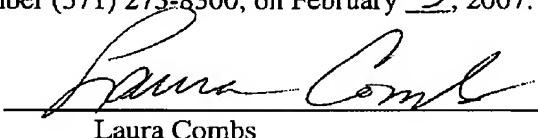


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on February 5, 2007.



Laura Combs